# CHAPTER 12 OTHER FEDERAL PROGRAMS

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### **CHAPTER 12 OTHER FEDERAL PROGRAMS**

#### 12.1 DEMONSTRATION PROJECTS

#### **INTRODUCTION**

For the purposes of this section, a demonstration project is one that has been specifically established and funded through Federal law. Demonstration projects are generally provided as part of the annual transportation appropriations acts or the periodic transportation authorization acts.

There was one California demonstration project in the 1982 Transportation Authorization Act. There were 15 California demonstration projects in the Surface Transportation and Uniform Relocation Act of 1987 (STURA), and there were 41 California demonstration projects in the Intermodal Surface Transportation Act of 1991 (ISTEA). There have been 16 such California projects added by the annual appropriations acts since 1982. As of January 1994, the demonstration program in California included 73 projects and \$671 million in Federal funds. This total does not include matching funds. Many of the projects are underfunded.

Examples of recent demonstrations include the Ontario Airport Access Project, the Northwestern Pacific Railroad Right of Way Acquisition Project, and the Port of Los Angeles Demonstration Project. These projects all encompass numerous segments and cover a long period of time. Less consequential demonstration projects include interchange improvements, safety projects, bridges, and park and ride facilities.

Some of the earlier demonstration projects were 100 percent funded with Federal funds; these demonstration projects were popular because they added to the total amount of Federal-aid funds California received and did not require a local match. Most recently, the authorization projects were funded from the Federal trust fund requiring a 20 percent local match (not adjusted to reflect Federal lands adjustments). The recent projects from the appropriations acts also require a 20 percent match though most were funded from the general fund.

The 1987 authorization act demonstration projects were in part exempt from minimum allocation and carried a portion of their own obligational authority. The ISTEA projects were completely exempt from minimum allocation provisions and came with their own obligational authority allocation.

#### INITIATION OF DEMONSTRATION PROJECTS

Demonstration projects are initiated by Congress, usually at the request of constituents within a given congressperson's district. Theoretically demonstration projects are projects which do not fit the normal mold of transportation projects. A good example is the acquisition of the Northwestern Pacific Railroad right of way through several counties in Districts 1 and 4. However, demonstration projects frequently do not compete well with other regional and local funding needs and can be any type of project imaginable that is of special interest to the person, group or entity that recommends it to their Congressional representative.

Caltrans management has adopted a posture of neutrality toward initiation of demonstration projects. Caltrans' current policy is to cooperate with local interests seeking to establish meaningful demonstration projects--whether the projects are on the State Highway System or on the local system. The Department will support the local agencies during the planning process for cost effective projects.

#### PLANNING AND PROGRAMMING THE FUNDS

The Federal Highway Administration (FHWA) will not release Federal funds for demonstration projects until the project is included in the Federal Statewide Transportation Improvement Program (FSTIP). As soon as the Districts are advised of new demonstrations, they should request that the sponsoring agency take the needed steps to have the project included in the FSTIP.

The funds for demonstrations are tied to specific projects by law. The funds are not flexible and can only be assigned to other projects through Congressional action. In rare cases, with approval of FHWA, the scope of the work can be modified slightly. In such instances, it is good practice for the project sponsor to alert the staff of the Congressional representative to obtain concurrence.

The process for obtaining Federal authorization to proceed and placing the project under agreement is the same as for other Federal projects. Caltrans and local agency staff are advised to work closely with their Federal representatives to ensure agreement as to the degree of FHWA involvement. (See Chapter 3 "Project Authorization" in the *Local Assistance Procedures Manual*)

#### MATCHING FUND POLICY

Because of the many factors impacting each project, matching fund programming must be considered on a project by project basis.

State funds (other than State and Local Transportation Partnership funds - see Chapter 15, "SLTPP" in this manual) used to match Federal demonstration project allocations must be provided through the State Transportation Improvement Program (STIP). For demonstration projects Caltrans considers beneficial to the State highway system, the sponsoring agencies will be supported by Caltrans in seeking State matching funds through the STIP development process. For demonstration projects, not on the State Highway System, considered beneficial to relieving traffic congestion in the urban region, Caltrans will support the local interests if they choose to seek Flexible Congestion Relief (FCR) funds for matching purposes (refer to Chapter 14, "FCR" of this manual). For demonstration projects considered to be beneficial for local interests the project sponsor should use local funds for the match.

#### UNDERFUNDED DEMONSTRATION PROJECTS

Federal demonstration projects not only require a 20 percent match but many projects are not sufficiently funded to carry the projects through construction. Caltrans support for matching funds is described in the previous section.

When funds for demonstration projects are insufficient to carry them through construction, it is essential the work be phased in logical stages and the Congressional sponsor of the project should be notified by the project sponsor of the underfunding. If possible the work should be completed through the acquisition of right of way. If this is not possible, the second most appropriate step would be through development of plans, specifications and estimates. The desirable minimum stage is to complete the work through the environmental assessment. The absolute minimum should be the production of a project study report. Scheduling of funds merely to study the problem should be avoided whenever possible.

#### **OTHER CONSIDERATIONS**

Demonstration projects may be processed (as outlined in Chapter 3, "Project Authorization" in the *Local Assistance Procedures Manual*) through the Office of Local Programs or the Federal Resources Office of Budgets as appropriate--jobs on the State Highway System where Caltrans will administer the construction contract are often processed by the Federal Resources Branch.

Senate Bill 1435, (Chapter 1177 of the 1992 Statutes), effective September 29, 1992, added Section 182.8 to the S&HC, exempting Federal funds made available for ISTEA demonstration projects from north/south split and county minimum considerations. Since Federal demonstration projects are almost invariably sponsored by local interests and approximately half are on the local highway systems, overall program management responsibility for the Demonstration Program has been assigned to the Headquarters Office of Local Programs.

#### PROJECT DEVELOPMENT

The development of demonstration projects follows the standard pattern for other Federal projects as covered in Chapters 3 through 14 in the *Local Assistance Procedures Manual*.

#### CONSTRUCTION AND FINAL ACCOUNTING

Construction and accounting procedures follows the standard procedure for other Federal projects as covered in Chapters 5, and 15 through 17 in the *Local Assistance Procedures Manual*.

## 12.2 Public Lands Highways Program

#### INTRODUCTION

Section 204 of Title 23, United States Code (U.S.C.) establishes a Federal Lands Highways Program which consists of projects on public lands highways, park roads and parkways, and Indian Reservation roads. Caltrans is only involved with the public lands highways element of the Federal Land Highway Program.

The term "Public Lands Highways" (PLH) is not limited to highways on the Federalaid system. The term also includes: forest roads under the jurisdiction of and maintained by a public authority and open to public travel; any highway through unappropriated or unreserved public lands; nontaxable Indian lands; and other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel. Projects need not be bordered on both sides by Federal lands to qualify for funding from the Public Lands Highways program.

All PLH projects must be listed in Regional and Federal Statewide Transportation Improvement Programs. Local agencies are urged to coordinate with their transportation planning agency and obtain their concurrence prior to project proposal submittal.

#### **ADMINISTRATION**

The administration of projects in the Public Lands Highways Program is a cooperative effort between Caltrans and various Federal agencies, including the Federal Highway Administration (FHWA), United States Department of Agriculture (USDA) Forest Service, Bureau of Land Management (BLM), etc. Within Caltrans, the Office of Federal Lands Highways and Federal Demonstration Programs is responsible for coordinating and tracking the local element for PLH projects, and the Office of Highway Systems, in Transportation Systems Information Program, is responsible for the State element. The State must concur in project selection and planning of PLH projects. After a project is selected and programmed, the FHWA normally administers all phases of work.

#### **FUNDING LEVELS**

Under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, \$143 million was authorized nationwide for the 1992 FY and \$171 million annually nationwide thereafter for the Public Lands Highways Program. Of this amount, 66 percent is allocated to the Forest Highways portion of the PLH, and the remaining 34 percent is allocated to the Discretionary portion of the PLH. After administrative and engineering costs are deducted, California's average allocation for construction under the Forest Highways portion of the PLH is approximately \$14 million per year. Nationally, about \$58 million is available annually under the Discretionary portion of the PLH. Typically, one or two projects per year are programmed in California with PLH Discretionary funds

#### PROJECT ELIGIBILITY

PLH funds are available for planning, research, engineering and construction of any kind of eligible transportation project that is within, adjacent to, or provides access to public lands. The program emphasis is on reconstruction of substandard sections of road which have a high percentage of use by traffic accessing Forest Service or BLM lands, to the appropriate standards. In addition to highway improvement and construction projects, other eligible project types include:

- Transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program, BLM Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.
- Adjacent vehicular parking areas,

- Interpretive signing,
- Acquisition of necessary scenic easements and scenic or historic sites,
- Provision for pedestrians and bicycles,
- Construction and reconstruction of roadside rest areas including sanitary and water facilities, and
- Other appropriate public road facilities such as visitor centers.

#### SELECTION PROCESS FOR FOREST HIGHWAY FUNDS

Overall program direction for Forest Highway funds is established by the USDA Forest Service Director of Engineering and the Caltrans Deputy Director of Transportation Engineering. Projects meeting the program direction are developed by the local agency in cooperation with the USDA Forest Service Engineer and the Caltrans District Local Assistance Engineer (DLAE).

Local agencies must submit applications to the USDA Forest Service Engineer no later than October 30 for programming consideration in the following year. The applications are forwarded to the Regional Office for review by the USDA Forest Service Regional Transportation Engineer for conformance with FHWA eligibility requirements.

The Caltrans Chief, Office of Federal Lands Highways and Federal Demonstration Programs, and FHWA Program Coordinator, and local agencies arrange a tour of candidate project sites. Usually conducted each June, this tour facilitates discussion of project details among involved representatives. Following the tour, the representatives review and consider impacts of the candidate projects on the existing priority list. The list is reviewed and updated through the joint efforts of the USDA Forest Service, Caltrans, and the FHWA. Following Caltrans' concurrence with the list, it is forwarded to FHWA for approval and implementation.

For project development, the FHWA uses procedures included in the Nationwide Action Plan written for Federal Highway projects. These procedures require that a Social, Economic, and Environmental (SEE) study team be established to provide guidance in the pertinent areas during project development process. The SEE team may include the DLAE and other members having decision authority in the project development process.

#### SELECTION PROCESS FOR DISCRETIONARY FUNDS

Local agencies must apply for discretionary funds by submitting project proposals to the appropriate DLAE no later than May 1 of each year. The Districts will forward project proposals to the Office of Federal Lands Highways and Federal Demonstration Programs, no later than May 15. Although there is no prescribed format, proposals should begin with a single page Summary of Facts followed by supporting information. The FHWA will select projects for funding based primarily on the information provided in the proposal.

It may be necessary for the applicant to supplement PLH funds with other Federal or State aid and/or local funds to promptly construct a usable segment of highway.

#### 12.3 SCENIC BYWAYS

Section 1047 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 established the Scenic Byways Program. Eligibility requirements for the Scenic Byways Program are similar to requirements for the Transportation Enhancement Activities (TEA) program.

Federal funds totaling \$50 million, nationwide, are authorized for the Scenic Byways Program. However, Federal funding for this program is considered discretionary and will affect the State's minimum allocation. Discretionary funds used to finance scenic byways projects, reduce the State's minimum allocation. Since scenic byways projects may also be funded from the 10 percent set-aside of RSTP funds for TEA and the eligibility requirements are similar, the Department requests that all proposed scenic byways projects apply for funding from the TEA program. Refer to Chapter 8, "TEA" of this manual for information on the TEA program.

### 12.4 DISCRETIONARY BRIDGE PROGRAM

Each time a transportation authorization act is passed by the Congress, a portion of the Highway Bridge Rehabilitation and Replacement Program (HBRR) apportionment is set aside for discretionary work on projects selected by the Secretary of Transportation. The nationwide allocation runs at about \$60 million per year.

Apportionments to the States are based on a rating system comparing the surface areas of deficient bridges in any state to those in all the states. The funds can only be used where the replacement or rehabilitation of bridges is over \$10 million unless the total bridge allocation to the State is less than \$10 million.

Discretionary funds will not be allocated to a State that has, in the preceding fiscal year, transferred HBRR funds. Caltrans transfers the maximum amount of HBRR funds to RSTP funds every year, this is to decrease the match ratio from 80 percent for HBRR to 88.53 percent for RSTP, and reduce the costs for local agencies. Transferred funds still remain in the Bridge program, see Chapter 6 "HBRR" in this manual. Because Caltrans has elected to transfer HBRR funds, based on recommendations from the HBRR steering committee, Discretionary Bridge program is not available in California.

## 12.5 DEFENSE ACCESS ROADS (DAR)

#### **INTRODUCTION**

Defense Access Roads (DAR) program provides a means by which the Federal government may pay its fair share of costs of:

- Highway improvement needed to for adequate service to defense and defense related installations.
- New transportation facilities to replace those which must be closed to permit expansion of existing or establishment of a new defense installation.
- Repair of damage to roadways caused by major military maneuvers.

- Repair of damages due to the activities of contractors engaged in the construction of missile sites
- Missile route to ensure their continued ability to support the missile-erector (TE) vehicle.

#### **DEFINITIONS**

**Defense Installation:** A military reservation or installation, or defense related industry or source of raw materials.

Military Traffic Management Command (MTMC): The military transportation agency with responsibilities assigned by the Secretary of Defense for maintaining liaison between FHWA and other agencies for the integration of defense needs into the Nation's highway program

**Certification:** The statement to the Secretary of Transportation by Secretary of Defense (or such other official as the President may designate) that certain roads are important to the national defense.

**Access Roads:** An existing or proposed public highway which is needed to provide essential highway transportation services to a defense installation. (This definition may include public highways through military installations only when right of way for such roads is dedicated to public use and the roads are maintained by a local agency.

**Replacement Road:** A public road constructed to replace one closed by establishment of a new, or the expansion of an old, defense installation.

**Maneuver Area Road:** A public road in an area delineated by official orders for field maneuvers or exercises of military forces.

**Transporter-erector route:** A public road specifically designated for use by the TE vehicle for access to missile sites.

#### FEDERAL POLICY

a) Federal government expects states and local agencies to assume the same responsibility for developing and maintaining adequate highways to permanent defense installations as they do for highways serving private industrial establishments or any other permanent traffic generators.

It is expected that highway improvements in the vicinity of defense installations will receive due priority consideration and treatment as states and local agencies develop their programs of improvements.

FHWA will provide assistance, as requested by MTMC, to ascertain states program plans for improvements to roads serving as access to defense installations.

Roads which serve permanent defense installations and which qualify under established criteria as Federal-aid routes should be included in the appropriate Federal-aid system

b) It is recognized that problems may arise in connection with the establishment, expansion, or operation of defense installations which create an unanticipated impact upon the long range requirements for the development of highways in the vicinity.

These problems can be resolved equitably only by Federal assistance from other than normal Federal-aid highway programs for part or all of the cost of improvements necessary for the functioning of the installation.

#### **ELIGIBILITY**

Local Agencies that think that their highways would be eligible for DAR funds should contact the base commander of the defense installation that will impact their highways. Sometimes base commanders will contacts the local agency when they are planning modifications of their facilities If after meeting with the local agency the base commander believes that access highway deficiencies are of such character as to justify relief through an improvement, the base commander will report the deficiencies to MTMC.

MTMC has the responsibility for determining the eligibility of proposed improvements for financing with DAR funds. MTMC will request the FHWA, California Division Office, to make an evaluation report of the access road needs of the installation. Evaluation report will include comments and recommendations by the base commander and the local agency. See Exhibit 12-A, "DAR Evaluation Report" for information that is included in the report.

The evaluation report will be furnished to MTMC for its use in making the determination of eligibility and certification of importance to the national defense. The criteria upon which MTMC will base its determination of eligibility are included in Exhibit 12-B, "MTMC Eligibility Criteria".

If MTMC determines a project to be eligible for financing either in whole or in part with defense access road funds. MTMC will certify the project as important to the national defense and will authorize DAR funds for the project. The certification will indicate to FHWA the eligible project scope, funding amounts and appropriation code.

#### **DESIGN STANDARDS**

- a) Access roads to permanent defense installations and replacement roads shall be designed to conform to the same standards as the agency having jurisdiction is currently using for other comparable highways under similar conditions in the area, and in accordance with Chapter 11, "Design Standards" in the *Local Assistance Procedures Manual*. Should a local agency desire higher standards than they are currently using for other comparable highways under similar conditions in the area, the local agency shall finance the increases in cost.
- b) Access roads to temporary military establishments or for service to workers temporarily engaged in construction of defense installations should be designed to the minimum standards necessary to provide services for a limited period without intolerable congestion and hazard. As a guide, widening to more than two lanes generally will not be undertaken to accommodate anticipated one-way, or traffic of less than 1,200 vehicles per hour and resurfacing or strengthening of existing pavements will be held to a minimum type having structural integrity to carry traffic for the short period anticipated use.

#### PROJECT ADMINISTRATION

- a) Determination of the agency best able to accomplish the location, design, and construction of the DAR projects will be made by the FHWA California Division Office after consultation with Caltrans and/or local agency within whose jurisdiction the highway lies. When an agency other than Caltrans or the local agency (usually another Federal agency that has jurisdiction over the area where the project is to be constructed) is selected to administer the project, The Division Office will be responsible during the life of the project for any necessary coordination between the selected agency and Caltrans or local agency.
- b) DAR projects under the supervision of a local agency, whether on or off the Federal-aid system, shall be administer in accordance with the procedures in the *Local Assistance Procedures Manual*, as modified specifically herein or as limited by delegation of authority to FHWA Regional and Division Office, unless approval of other procedures has been obtained from Washington Headquarters Federal Lands Highway Office. DAR funds must be included in the FSTIP and project phases authorized by Caltrans prior to beginning work for which reimbursement will be sought, see Chapter 3 "Project Authorization" in the *Local Assistance Procedures Manual*.
- c) The FHWA Division Office shall have a firm commitment from Caltrans or local agency, within whose jurisdiction the access road lies, that they will accept responsibility for the maintenance of the completed facility before authorization of acquisition of right of way or construction of the project.
- d) When DAR funds are available for a pro-rata portion of the total project cost, the remaining portion of the project may be funded as a Federal-aid project if on a Federal-aid route. DAR funds shall not be substituted for matching share of the Federal-aid portion of a project.

#### MANEUVER AREA ROADS

- a) Claims by a local agency for costs incurred to restore, to their former condition, roads damaged by maneuvers involving a military force at least equal in strength to a ground division or air wing will be paid from funds appropriated for the maneuver and transferred to FHWA by the DOD agency. DAR funds may be used to reimburse the local agency pending transfer of funds by the DOD agency.
- b) Cost incurred by the local agency while conducting a pre- or post-condition survey may be included in the claim to DOD for direct settlement or in the damage repair project as appropriate.

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#### **DEFENSE ACCESS ROADS EVALUATION REPORT**

- a. The narrative report should include as appropriate, but not be restricted to, information on:
  - (1) volume and character of present and future traffic anticipated on the recommended project, as well as a peak-hour turning movement diagram for any major intersection involved,
  - (2) the percentage of installation traffic compared to total traffic,
  - (3) personnel strength,
  - (4) number of shifts worked or to be worked,
  - (5) a recommended project if warranted or, if no project is warranted, the report should so indicate,
  - (6) a description of the recommended improvement including a sketch map showing location,
  - (7) a realistic cost estimate updated to the year of anticipated construction,
  - (8) a statement to indicate whether similar designs are being used under similar conditions on regular Federal-aid, State or local projects in the area. Highway engineering economic analysis should be used as appropriate in evaluating alternatives and justification of the recommended improvements,
  - (9) a discussion of State and/or local plans for improvements in the area including:
    - (a) the priority that the State or local agency has placed on a proposed improvement,
    - (b) appropriate comments relative to the priority rating furnished by the State or local highway agency,
    - (c) extent of State or local commitment for participation in need improvements,
    - (d) an estimate of the date when the work could be accomplished, providing funds were available, and
    - (e) an estimate of the time (in months) that may be required to accomplish each of the following phases of the recommended project: preliminary engineering; environmental clearance; final design; right of way acquisition; and construction including advertisement and award; and
  - (10) need for control of access to protect the project from obsolescence, especially where a fourlane facility is proposed or will be required at a later date. A determination should be based primarily on the economic justification and desirability of this type of design.
- b. Three copies of the narrative report and sketch map are to be submitted MTMC. If the decision has been made that the project is to be handled by a Federal Lands Highway division, two additional copies of the report should be furnished.

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# MILITARY TRAFFIC MANAGEMENT COMMAND ELIGIBILITY CRITERIA

#### 1. Defense Access Roads

- a. <u>Military Installations</u>. The Department of Defense has the responsibility for determining the eligibility of proposed improvements for financing with defense access road funds. Generally, projects meeting the following requirements will be considered appropriate for such financing.
  - (1) Access roads providing new connections between either old or new military installations and main highways may be considered eligible for 100 percent financing with defense access road funds, providing that in urban areas where a new entrance is established and access to a main thoroughfare is via existing city streets, the 100 percent defense access financing extends outward from the reservation only so far as the traffic generated by the installation is greater than other traffic.
  - (2) Urgently needed improvements of existing highways that are neither a part of nor qualified for inclusion in the Federal-aid urban system, but upon which traffic is suddenly doubled (or more than doubled) by reason of the establishment or expansion of a permanent military installation may be considered eligible for financing in whole or in part with defense access road funds. One hundred percent defense access road financing will be considered only on the lightly traveled portion of these highways which are a part of the Federal-aid rural system, or which are of insufficient importance to qualify for such designation. The more heavily traveled Federal-aid rural highways (upon which traffic is suddenly doubled or more than doubled), generally regarded as being self-supporting from their earnings of road-user revenues, are eligible for only partial defense access road financing.
  - (3) Urgent improvements needed to avoid intolerable congestion or critical structural failure of any highway serving a temporary surge of defense-generated traffic (such as that which results from the establishment and operation of a temporary military installation, or from large-scale construction activity) may be considered eligible for financing to the extent necessary to provide the minimum essential facility to accommodate the temporary surge of traffic. A temporary surge of traffic is defined as one of several months duration, at least, but very short in duration as compared to the total life of a normal highway improvement.
  - (4) Alteration of a public road in the immediate vicinity of a military installation to accommodate regular and frequent movements of special military vehicles such as tank transporters or heavy ammunition carriers may be financed with defense access road funds, provided it is impractical or uneconomical to acquire right of way and develop such roads for exclusive military use. However, highway funds from other sources should finance any improvement that may be needed to bring the highway to a stage satisfactory for accommodation of all traffic except the special military vehicles.

- (5) Access roads serving State National Guard facilities which are Federally owned are eligible under paragraphs 1a (2) and (4). Roads serving Federally owned National Guard facilities which are of appreciable non-military local benefit are eligible for only partial defense access road financing. Roads serving State-owned National Guard facilities are ineligible.
- (6) No highway located within the boundaries of a military reservation is eligible for financing from defense access road funds. This prohibition does not apply to a highway through a military reservation on public rights-of-way open to free use of the public with no military restrictions nor to a highway located along and partly within the installation boundaries but not subject to closure by military authorities.
- (7) Projects on the NHS are not generally considered eligible for financing with defense access road funds.
- (8) Traffic signal installations when justified may be financed as part of a new construction project.
- b. <u>Defense Industries</u>. Criteria governing eligibility of access roads for military installations also apply to any defense industry as defined in current joint Army-Navy-Air Force regulations.
- 2. Replacement Roads (Military). Highways constructed to replace those closed by establishment of new military installations or the expansion of old ones are considered eligible for financing with defense access road funds to the extent of 100 percent of the cost of constructing the replacement road to current standards for current traffic.